



Office of the City Manager

PUBLIC HEARING
May 19, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Wahid Amiri, Interim Director, Public Works

Subject: Zero Waste Plan Checks and Compliance Inspections Fees

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution establishing new cost recovery fees in the Public Works Department's Zero Waste Plan Check and Compliance Inspections; authorizing the City Manager, or designee, to collect such fees to recover staffing costs.

SUMMARY

The Public Works Department routinely performs plan checks and inspections for construction and demolition (C&D) recycling compliance. Introducing a cost recovery fee program for Zero Waste will formalize the plan check process by associating a cost for the staff time spent complying with City, County, and State requirements. This \$250 cost will be a flat fee for each permit listed below in Table 1. Plan Checks and Compliance Inspections Fees will be collected at the time of permit issuance for C&D, Accela and Events Plan Checks. Services will be invoiced separately for foodware and food recovery compliance inspection at completion. These fees are intended only to recover the reasonable cost of staff time required to perform direct plan check and compliance inspection services and are not intended to generate revenue beyond the cost of providing these services.

FISCAL IMPACTS OF RECOMMENDATION

Staff have monitored time spent on plan check and compliance inspections from the start of Fiscal Year 2023 to the conclusion of Fiscal Year 2025, having completed 1,676 compliance related reviews and inspections and demonstrated the need to recover two hours of staff time per required review and inspection. Staff is proposing a flat fee of \$250 per activity listed below (see Table 1 on following page) to cover the associated two hours, which would generate approximately \$419,000 annually for the Zero Waste Fund (Fund 601).

Table 1: Zero Waste Compliance Fee Revenue Table				
Program Area	2025 Activity Volume	Fee per Activity (\$)	Projected FY 2027 Revenue	Projected FY 2028 Revenue
C&D Compliance Plan Checks	320	\$250	\$80,000	\$80,000
Trash Room / Space Allocation Plan Checks	550	\$250	\$137,500	\$137,500
SB 1383 Events Compliance	113	\$250	\$28,250	\$28,250
SB 1383 Food Recovery Inspections	45	\$250	\$11,250	\$11,250
Foodware Ordinance Inspections	648	\$250	\$162,000	\$162,000
TOTAL	1,676		\$419,000	\$419,000

Note: Each activity requires an average of approximately two hours of staff time.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department currently performs plan checks and compliance inspections for the C&D permit process, interdepartmental coordination, and ongoing ordinance implementation. Without a dedicated cost-recovery mechanism, these direct compliance services must be absorbed by the Zero Waste Fund, reducing available resources for core Zero Waste operations and other regulatory compliance needs.

Implementation of new fees associated with staff time spent on permit compliance processes will allow Public Works to recover costs for compliance plan checks and inspections. In accordance with California State Proposition 218, the activities associated with the proposed fee cannot be paid for through the solid waste collection rates since the activities are not associated with the cost of providing collection services. Using the Zero Waste Fund to cover plan checks and inspections will continue to draw down the fund balance if not reimbursed through an associated fee.

Due to increased coordination with the Planning and Development Department, and additional capacity needed to support inspections that the Health, Housing and Community Services Department has not been able to perform (as a result of staffing shortages), Public Works is proposing a fee of \$250 (Table 1) for each of the following compliance and inspection activities:

- C&D Green Halo Plan Checks

- New Construction Accela Plan Checks
- Zero Waste Events Plan Checks
- Foodware Ordinance Compliance Inspections
- Food Recovery Agreement Inspections

To maintain cost recovery for these direct staff services, staff may return to council to increase fees to accurately reflect real costs for staff time.

Plan Checks and Compliance Inspections Fees will be collected at the time of permit issuance for C&D, Accela and Events Plan Checks. Services will be invoiced separately for foodware and food recovery compliance inspection at completion. Public Works routinely performs plan checks and compliance inspections during its C&D interdepartmental meetings and weekly ordinance outreach. Introducing the fee program for plan checks and compliance inspections will emphasize the importance of complying with City, County, and State requirements and recognize the associated cost. The associated cost of flat fee of \$250, (Table 1), includes the total hourly cost of the planning approval process by tracking the professional staff time spent providing an estimated two hours of direct services, such as reviewing permit applications, permits, and performing field inspections.

The following activities would be covered by the \$250 fee:

Construction and Demolition (C&D) Green Halo Plan Checks

The C&D Plan Checks ensure projects are compliant with CALGreen, which mandates that at least 65% of non-hazardous C&D waste generated by new construction, demolition, and certain additions/alterations projects be recycled or salvaged for reuse, as detailed in Sections 4.408, 5.408, 301.1.1, and 301.3 of the California Green Building Standards Code. Currently, 17% of contractors are out of compliance with state diversion requirements, according to the City's Green Halo compliance tracking.

New Construction Accela & Clariti Plan Checks

During inspections conducted from 2024-2026, staff found that architects and contractors of new construction projects were not including plans for complying with City, County, and State requirements to recycle and compost. Consequently, new construction projects struggled to meet diversion requirements as found in the City's Accela compliance tracking, while creating safety concerns for Zero Waste collections staff due to improperly placed refuse receptacles. Public Works staff worked with Planning and Development staff to become included in the Accela workflow plan check process to address these issues. Public Works staff are now able to discuss space allocation requirements directly with architects and contractors during the design phase to ensure compliance with compliance requirements.

Zero Waste Events Plan Checks

In September 2004, the California Legislature passed AB 2176, which requires operators and organizers of large events and venues to develop and implement waste reduction plans that include recycling strategies and reporting on the results of their efforts to the designated local agency. AB 2176's requirement is also superseded by SB 1383, which similarly requires post event food donation. To comply with both AB 2176 and SB 1383, Public Works staff require event organizers to submit Zero Waste Event Plans to staff for review. Staff coordinate short-term dumpster rentals for event organizers, manage the City's Clearstream rental program, and ensure compliance with SB 1383 and Single Use Disposable Ordinance (BMC 11.64). The number of annual City-wide events has increased by 37 percent since the pandemic, according to City events staff, and the increasing number of requests do not currently have a dedicated funding stream to support compliance checks.

Foodware Ordinance Compliance Inspections

In 2019, City Council adopted BMC 11.64, which requires all businesses selling prepared food to have on-site reusable foodware, color-coded recycling and compost bins, BPI-Certified compostable foodware, \$0.25 Charge for Disposable Cups, and Disposable Accessory Items Upon Request. This task was originally to be handled by the Health, Housing and Community Services Department, which already inspects food generators through their environmental Health Division, however, due to staffing shortages, these tasks have been re-allocated to Public Works' staff.

Food Recovery Agreement Inspections

SB1383 is an unfunded state mandate that aims to reduce methane emissions caused by food and other organic materials going into landfills. Edible food generators such as grocery stores, restaurants, and hotels are required to donate food fit for human consumption that was purchased or prepared in excess. As a result, Public Works staff must inspect edible food generators to verify they have a food donation agreement with a food recovery organization. This task was originally to be handled by the Health, Housing and Community Services Department, which already inspects food generators through the Environmental Health Division, however, due to staffing shortages, these tasks have been re-allocated to Public Works.

These Plan Checks and Compliance Inspections Fees are in alignment with the City's Strategic Plan to provide an efficient and financially-healthy City government.

BACKGROUND

The City has adopted the following ordinances into the Berkeley Municipal Code (BMC) to address State mandates such as the California State Building Code (CALGreen 4.408.2 and 5.408.1.1), as well as, SB-1383, AB-2176, AB-1826, and AB-341:

- Ordinance No 7,988-N.S., and Ordinance No 7,839-N.S Berkeley Green Code into BMC 19.37 on November 18, 2025 and November 11, 2022,
- Ordinance No 7,790-N.S., Organics Reduction and Recycling adopted into BMC 12.35 on July 28, 2021,
- Ordinance No 7, 252-N.S, Curbside Refuse, Organics, and Recycling Collection adopted into BMC 12.34 on June 12, 2012,
- Ordinance No 6319-N.S, Storage Collection and Disposal of Waste adopted into BMC 12.32 on April 30, 1986,

Council has adopted the following ordinances in addition to the aforementioned State requirements to achieve City waste management goals and diversion targets:

- Ordinance No. 7,639-N.S., Single Use Foodware and Litter Reduction Ordinance adopted into BMC 11.64 on January 22, 2019,
- Ordinance No. 5625A-N.S., Recycling Policy adopted into the BMC 12.38 on January 1, 1984

These City ordinances require staff monitoring for compliance to avoid enforcement action by the State of California and to meet stated City waste diversion goals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Additional program adherence by permit holders may result in an increase of diversion from the City's landfill to recycling, composting and edible food redistribution, which may have the positive environmental benefit of reducing landfill methane emissions that exacerbate climate change effects.

RATIONALE FOR RECOMMENDATION

Increased funding through fees would reduce reliance on the Zero Waste Fund. Compliance with State requirements may increase diversion from landfill to help meet the City's Zero Waste Goals and mandates.

ALTERNATIVE ACTIONS CONSIDERED

Alternatives include taking no action, which could result in depletion of the Zero Waste Division fund.

CONTACT PERSON

Wahid Amiri, Interim Director of Public Works, 510 981-6396
Leticia Jauregui, Solid Waste and Recycling Division Manager, 510 981-6362
Julia Heath, Recycling Program Manager, 510-981-6357

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

RESOLUTION NO. ##,###N.S.

ZERO WASTE PLAN CHECKS AND COMPLIANCE INSPECTIONS FEES

WHEREAS, the City has adopted the following ordinances into the Berkeley Municipal Code (BMC) to address State mandates such as the California State Building Code (CALGreen 4.408.2 and 5.408.1.1), as well as, SB-1383, AB-2176, AB-1826, and AB-341:

- Ordinance No 7,988-N.S. and Ordinance No 7,839-N.S Berkeley Green Code into BMC 19.37 on November 18, 2025 and November 11, 2022,
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- Ordinance No 6319-N.S Storage Collection and Disposal of Waste adopted into (BMC 12.32 on April 30, 1986,

And Council has adopted the following City specific ordinances:

- Ordinance No. 7,639-N.S. Single Use Foodware and Litter Reduction Ordinance adopted into BMC 11.64 on January 22, 2019,
- Ordinance No. 5625A-N.S. Recycling Policy adopted into the BMC 12.38 on January 1, 1984; and

WHEREAS, these inspections and enforcement requirements are unfunded mandates and place an additional burden on the Zero Waste Fund (601) to cover the cost of plan check and compliance monitoring; and

WHEREAS, required funding to perform these tasks is not included in Zero Waste Fund collections rates, and are not supported by Proposition 218; and

WHEREAS, staff have monitored time spent on plan check and compliance inspections from the start of Fiscal Year 2023 to the conclusion of Fiscal Year 2025, having completed 1,676 compliance related reviews and inspections and demonstrated the need to recover two hours of staff time per required review and inspection; and

WHEREAS, staff is proposing a flat fee of \$250 per activity, which would generate approximately \$419,000 annually for the Zero Waste Fund (Fund 601)

WHEREAS, the 1,676 compliance related reviews and inspections conducted from the start of Fiscal Year 2023 to the conclusion of Fiscal Year 2025, are associated with the following activities:

- Construction and Demolition Green Halo Plan Checks,

- New Construction Accela & Clariti Plan Checks,
- Zero Waste Events Plan Checks,
- Foodware Ordinance Compliance Inspections, and
- Food Recovery Agreement Inspections; and

WHEREAS, staff have no current cost recovery mechanism for staff time to conduct compliance reviews and inspections associated with permits issued and existing City ordinances; and have calculated a \$250 fee that would cover associated staff time; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Department of Public Works will implement cost recovery fees for \$250 to cover staff time required to perform compliance reviews and inspections.

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

Zero Waste Plan Checks and Compliance Inspections Fees

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is proposing to implement new fees to support Zero Waste Plan Checks and Compliance Inspections.

The hearing will be held on May 19, 2026, at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 7, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 7, 2026.

Mark Numainville, City Clerk

